

PECEN ET AL.
"Advice of Charge For Communications
Services, Architectures ..."
Atty. Docket No. CS99025RL

Appl. No. 09/940,762
Confirm. No. 5766
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REMARKS

Request for Reconsideration, Informal Matters, Claims Pending

The non-final Office Action mailed on 11 August 2005 has been considered carefully. Reconsideration of the claimed invention in view of the amendments above and the discussion below is respectfully requested.

Claim 1 was amended grammatically.

Claims 1-23 are pending.

Allowability of Claims Over Joao & Corrigan

Rejection Summary

Claims 1-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,878,337 (Joao) in view of U.S. Patent No. 6,640,097 (Corrigan).

Summary of Joao

In Joao, the point-of-sale (POS) terminal (2) transmits an authorization request with credit/debit/smart card information (e.g., swiped magnetically) to the CRC (3) (Joao, col. 5, lines 26-39, col. 13, lines 24-32 & col. 17, lines 4-12 & FIGS. 1, 3 & 6). The CRC (3) of Joao requests from the POS terminal (2) the transaction amount, which is processed with the information to determine whether the card has been lost, stolen, exceeded its credit limit,

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etc (Joao, col. 5, lines 39-50 & col. 17, lines 13-40 & FIGS. 3 & 6). In Joao, the CRC (3) does not authorize the transaction if it is determined that the card is lost or stolen (Joao, col. 5, lines 62-67 & col. 18, lines 1-12 & FIGS. 3 & 6). If the CRC (3) determines that the card is not lost or stolen, the CRC transmits information pertaining to the transaction to a communications device (4) (e.g., pager, fax or answering), which is located with the cardholder (Joao, col. 6, lines 4-43, col. 18, lines 24-56 & FIGS. 3 & 6). Upon receipt of the information from the CRC, the communications device (4) may respond by authorizing or voiding the transaction (Joao, col. 6, lines 44-61, col. 18, line 57- col. 19, line 8 & FIGS. 3 & 6). The CRC (3) then communicates the response or lack of response from the communications device (4) to the POS terminal (2) (Joao, col. 6, line 61-col. 7, line 5, col. 19, lines 9-63 & FIGS. 3 & 6). In Joao, the communication device (4) and/or the CRC (3) merely responds to an authorization request made by the POS terminal (2).

Summary of Corrigan

Corrigan discloses a wireless communication access node that interfaces with wireless subscriber networks and with content providers. The access node also provides a variety of functions, several of which were referenced by the Examiner. The "Subscriber Self-Provisioning" feature permits subscribers to select a portfolio of personalized services on a personalized home-page. The "Service Provisioning" feature permits service providers to create on-line descriptions of available services and pricing. These features of Corrigan however do not read on transmitting a request ... for a cost to conduct a communication transaction and receiving, in response to the request, a cost offer for the transaction before the communication

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application conducts the transaction. The "Intelligent Billing" feature of provides different billing options to service providers, one of which is an "Event" based charge for services accessed or services requested.

Discussion of Claim 1

Regarding Claim 1, contrary to the Examiner's assertion, Joao and Corrigan fail to disclose or suggest a

... method in communication application, comprising:
transmitting a request from the communication application to a communication server for a cost to conduct a communication transaction;
receiving from the communication server, in response to the request, a cost offer for the transaction before the communication application conducts the transaction.

The Examiner's assertion that it would have been obvious to modify Joao's system with Corrigan's technique on how to request the cost to conduct a communication transaction is faulty on several grounds. As discussed above, neither Joao nor Corrigan disclose or suggest requesting the cost to conduct a communication transaction before the transaction is conducted. Joao discloses requesting authorization to conduct a transaction. Corrigan merely discloses charging on a per service basis or on a per service request basis. Moreover, there is no reason to modify Joao as proposed by the Examiner. As noted, Joao discloses a point of sale authorization architecture, wherein the sale price is negotiated before authorization is requested. Claim 1 and the claims that depend therefrom are therefore patentably distinguished over Joao and Corrigan.

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Discussion of Claim 2

Regarding Claim 2, Joao and Corrigan fail to disclose or suggest in combination with the limitations of Claim 1 "... receiving a cost offer including at least a communication service cost component." There is no discussion in Joao or Corrigan of the "communication service cost component" of a cost offer. Joao either approves or disapproves a transaction in response to an authorization request. Corrigan discusses billing on a service request or service access basis. Claim 2 is thus further patentably distinguished over Joao and Corrigan.

Discussion of Claim 3

Regarding Claim 3, Joao fails to disclose or suggest "... indicating the cost offer broken down into component costs at the communication application" in combination with the base and any intervening claims. There is no discussion in Joao or Corrigan of the "component costs" of a cost offer. Joao either approves or disapproves a transaction in response to an authorization request. Corrigan discusses billing on a service request or service access basis. Claim 3 is thus further patentably distinguished over Joao and Corrigan.

Discussion of Claim 4

Regarding Claim 4, Joao fails to disclose or suggest "...receiving from the communication server a cost offer based on a quality of communications service" in combination with the base and any intervening

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claims. Joao either approves or disapproves a transaction in response to an authorization request. Corrigan discusses billing on a service request or service access basis. Claim 4 is thus further patentably distinguished over Joao and Corrigan.

Discussion of Claim 5

Regarding Claim 5, Joao fails to disclose or suggest "... receiving from the communication server a cost offer based on at least one of a time of the transaction, an amount of information of the transaction, and subscription information associated with the communication application" in combination with the base and any intervening claims. Both references fail to discuss requesting a cost offer. Thus there is no reason to provide a cost offer based on the criteria limitations of Claim 5. Claim 5 is thus further patentably distinguished over Joao and Corrigan.

Discussion of Claim 6

Regarding Claim 6, Joao and Corrigan fail to disclose or suggest "... receiving from the communication server a cost offer based at least partly on a credit to a user of the communication application for conducting the transaction" in combination with the base and any intervening claims. Both references fail to disclose requesting a cost offer, and thus there is no reason to provide a cost offer based on "credit" as in Claim 6. Claim 6 is thus further patentably distinguished over Joao and Corrigan.

Discussion of Claim 7

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Regarding Claim 7, Joao and Corrigan fail to disclose or suggest "... receiving from the communication server a cost offer based at least partly on an interactive transaction performance at the communication application" in combination with the base and any intervening claims. Both references fail to disclose requesting a cost offer, and thus there is no reason to provide a cost offer based on an "interactive transaction performance" as in Claim 7. Claim 7 is thus further patentably distinguished over Joao and Corrigan.

Discussion of Claim 8

Regarding Claim 8, contrary to the Examiner's assertion, Joao and Corrigan fail to disclose or suggest a

... method in a mobile wireless communication device, comprising:
identifying a wireless transaction at the mobile wireless communication device;
transmitting a request from the mobile wireless communication device to a network for a cost to conduct the wireless transaction;
receiving from the network, in response to the request, a cost to conduct the wireless transaction before conducting the wireless transaction.

The Examiner's assertion that it would have been obvious to modify Joao's system with Corrigan's technique on how to request the cost to conduct a communication transaction is faulty on several grounds. As discussed above, neither Joao nor Corrigan disclose or suggest requesting the cost to conduct a communication transaction before the transaction is conducted. Joao discloses requesting authorization to conduct a transaction. Corrigan merely discloses charging on a per service basis or on a per service request basis. Further, there is no reason to modify Joao as proposed by the Examiner. As noted, Joao discloses a point of sale authorization architecture,

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wherein the sales price is negotiated before authorization is requested. The only request in Joao is an authorization request. Claim 8 and the claims that depend therefrom are thus patentably distinguished over Joao and Corrigan.

Discussion of Claim 9

Regarding dependent Claim 9, Joao and Corrigan fail to disclose or suggest "... receiving a cost to conduct the wireless transaction including at least a communication service cost component" in combination with the base and any intervening claims. There is no discussion in Joao or Corrigan of the "communication service cost component" of a cost offer. Joao either approves or disapproves a transaction in response to an authorization request. Corrigan discusses billing on a service request or service access basis. Claim 9 is thus further patentably distinguished over Joao and Corrigan.

Discussion of Claim 10

Regarding dependent Claim 10, Joao and Corrigan fail to disclose or suggest "...receiving a cost to conduct the wireless transaction including a content cost component in addition to the communication service component" in combination with the base and any intervening claims. There is no discussion in Joao or Corrigan of a "content cost component". Joao either approves or disapproves a transaction in response to an authorization request. Corrigan discusses billing on a service request or service access basis. Claim 10 is thus further patentably distinguished over Joao and Corrigan.

Discussion of Claim 11

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Regarding Claim 11, Joao and Corrigan fail to disclose or suggest "... identifying the wireless transaction by making a selection at the mobile wireless communication device" in combination with the base and any intervening claims. In Joao, the selection is made at the POS terminal (2) and transmitted to the communications device (4) for authorization. Claim 11 is thus further patentably distinguished over Joao and Corrigan.

Discussion of Claim 12

Regarding Claim 12, Joao and Corrigan fail to disclose or suggest "...receiving from the network a cost based at least partly on at least one of a time interval required to download the data, a number of octets to be received by the mobile wireless communication device" in combination with the base and any intervening claims. Nether reference discloses receiving a cost request or sending a cost in response to the request. Joao either approves or disapproves a transaction in response to an authorization request. Corrigan discusses billing on a service request or service access basis. Claim 12 is thus further patentably distinguished over Joao and Corrigan.

Discussion of Claim 13

Regarding Claim 13, Joao and Corrigan fail to disclose or suggest "...receiving from the network a cost based at least partly on a credit to an account of the mobile wireless communication device for downloading the information" in combination with the base and any intervening claims. Both references fail to disclose requesting a cost offer, and thus there is no reason to

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provide a cost offer based on "credit" as in Claim 13. Claim 13 is thus further patentably distinguished over Joao and Corrigan.

Discussion of Claim 14

Regarding Claim 14, Joao and Corrigan fail to disclose or suggest "... receiving from the network a cost based at least partly on an amount of data to be downloaded over a time interval by the mobile wireless communication device" in combination with the base and any intervening claims. Both references fail to disclose requesting a cost offer, and thus there is no reason to provide a cost offer based on the amount of data downloaded as in Claim 14. Claim 14 is thus further patentably distinguished over Joao and Corrigan.

Discussion of Claim 15

Regarding Claim 15, Joao and Corrigan fail to disclose or suggest "...receiving from the network a cost based at least partly on an interactive transaction performance at the mobile wireless communication device" in combination with the base and any intervening claims. Both references fail to disclose requesting a cost offer, and thus there is no reason to provide a cost offer based on an "interactive transaction performance" as in Claim 15. Claim 15 is thus further patentably distinguished over Joao and Corrigan.

Discussion of Claim 16

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Regarding Claim 16, Joao and Corrigan fail to disclose or suggest "... receiving from the network a cost based at least partly on participation in the interactive transaction at the mobile wireless communication device" in combination with the base and any intervening claims. Both references fail to disclose requesting a cost offer, and thus there is no reason to provide a cost offer based on an "interactive transaction" as in Claim 16. Claim 16 is thus further patentably distinguished over Joao and Corrigan.

Discussion of Claim 17

Regarding Claim 17, contrary to the Examiner's assertion, Joao and Corrigan fail to disclose or suggest a

... method for providing wireless transaction cost information to a wireless communication device, comprising:
receiving a request at a communication serving system for a wireless transaction cost from the wireless communication device;
providing a wireless transaction cost to the wireless communication device, in response to the request, before the wireless communication device conducts a wireless transaction for which the cost is provided.

The Examiner's assertion that it would have been obvious to modify Joao's system with Corrigan's technique on how to request the cost to conduct a communication transaction is faulty on several grounds. As discussed above, neither Joao nor Corrigan disclose or suggest requesting the cost to conduct a communication transaction before the transaction is conducted. Joao discloses requesting authorization to conduct a transaction. Corrigan merely discloses charging on a per service basis or on a per service request basis. Further, there is no reason to modify Joao as proposed by the Examiner. As noted, Joao discloses a point of sale authorization architecture,

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wherein the sales price is negotiated before authorization is requested. The only request in Joao is an authorization request. Claim 17 and the claims that depend therefrom are therefore patentably distinguished over Joao and Corrigan.

Discussion of Claim 18

Regarding Claim 18, Joao and Corrigan fail to disclose or suggest "...receiving a wireless transaction cost acceptance from the wireless communication device before the wireless communication device conducts the wireless transaction" in combination with the base and any intervening claims. Claim 18 is thus further patentably distinguished over Joao and Corrigan.

Discussion of Claim 19

Regarding Claim 19, Joao and Corrigan fail to disclose or suggest "... generating the wireless transaction cost based on at least one of a time interval required to download the information, an amount of information to be downloaded by the wireless communication device over a time interval, and a subscription information of the wireless communication device" in combination with the base and any intervening claims. Claim 19 is thus further patentably distinguished over Joao and Corrigan.

Discussion of Claim 20

Regarding Claim 20, Joao and Corrigan fail to disclose or suggest "... generating the wireless transaction cost based on a content cost and a

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content transport charge" in combination with the base and any intervening claims. Claim 20 is thus further patentably distinguished over Joao and Corrigan.

Discussion of Claim 21

Regarding Claim 21, Joao and Corrigan fail to disclose or suggest "...generating the wireless transaction cost based at least partly on one of an interactive transaction performance at the wireless communication device and a participation in the interactive transaction at the wireless communication device" in combination with the base and any intervening claims. Claim 21 is thus further patentably distinguished over Joao and Corrigan.

Discussion of Claim 22

Regarding Claim 22, Joao and Corrigan fail to disclose or suggest "...generating the wireless transaction cost based at least partly on a credit to an account of the wireless communication device for downloading the advertisement" in combination with the base and any intervening claims. Claim 22 is thus further patentably distinguished over Joao and Corrigan.

Discussion of Claim 23

Regarding Claim 23, Joao and Corrigan fail to disclose or suggest "...providing information indicating reliability of the wireless transaction cost to the wireless communication device" in combination with the base and any

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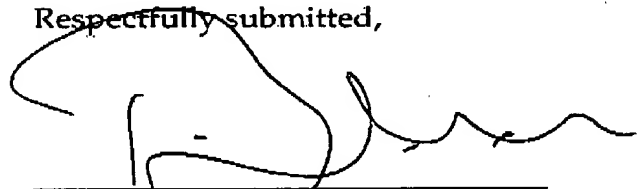
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intervening claims. Claim 23 is thus further patentably distinguished over Joao and Corrigan.

Prayer for Relief

In view of any amendments and the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,



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